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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/293,266	04/16/1999	RAYMOND WALDEN BENNETT III	A00513	4651

757 7590 05/04/2006

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EXAMINER

NGUYEN, QUYNH H

ART UNIT PAPER NUMBER

2614

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/293,266	<b>Applicant(s)</b> BENNETT III ET AL.	
	<b>Examiner</b> Quynh H. Nguyen	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on pre-appeal brief filed 2/27/06.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 103***

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1 – 4, 6, 8 – 11, 13 – 17, and 19 - 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,930,350 (Johnson), US 5,745,553 (Mirville et al.), and further in view of US 6,160,877 (Tatchell et al.)

As to claims 1 – 4, 6, 8 – 11, 13 – 17, and 19, Johnson teaches a system and method for automatically creating speed dial logs and storing the list in a database (note 122) associated to a telephone line via a computer network and telephone network (Fig. 2) wherefrom called numbers and/or the names associated with the called numbers

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may be retrieved from an address book database using caller's ID (Fig. 4; col. 6, lines 49-58; col. 8, lines 47-53).

However, it is old and well known that service residing in/on a telephone unit may be provided at a central office (C.O.) or switch, the functionality no longer residing with the telephone, but within the C.O. or switch requiring a caller to dial a service code to invoke a feature and presenting any information via audio messaging. Examples of this are voice mail (as opposed to an answering machine) and remote access speed dialing (as opposed to local speed dialing, i.e., database kept in switch as opposed to being kept in telephone unit) such as the system for on-demand communications services.

An example of such a speed dialing on-demand service is taught by Mirville et al. wherein a caller uses telephone or end unit 101, 103, 105 to dial a service code such as #1 to access the speed dial feature, and wherein the list of speed dial numbers resides in a storage device 190 separate from units 101, 103, or 105. (Figs. 1, 3, 4, Col. 6, lines 28 – 54 of Mirville et al.) Note also that Mirville et al teaches that any telephony feature may be implemented in such an on-demand/network-based manner. (Col. 1, lines 11 – 22, Col. 2, lines 43 – 59, Col. 4, lines 33 – 62 of Mirville et al.)

It would have been obvious to one skilled in the art to implement the invention of Johnson in the manner taught by Mirville et al., i.e. functionality residing away from the telephone, making it thus necessary to dial a service code and receive relevant information via audio messaging inasmuch as it is old and well known to implement telephony features in either environment. Furthermore, keeping a speed dial list in a C.O. or switch allows for more memory and therefore a more extensive speed dial list

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may be kept. Also, situations may arise when speed dial list are kept only on a telephone unit, wherein if a caller has multiple telephones, that caller must use the same telephone previously used in order to redial a previously called number, because there is no way for that previously dialed number to be transferred to another telephone.

Also, because, often, listening to audio messages, in particular, those reciting lists are difficult to remember and use information contained therein, visually displaying lists is favored. However, many telephones commonly used today still do not display information and thus, lists would have to be presented via audio messaging.

Furthermore, such is simply an issue of preference or design choice as to whether an outgoing call list is to be presented visually or via audio messaging. Also, to that point, a blind caller would have to have information normally visually displayed, converted to audio or Braille, in either case, requiring converting data into a preferred format and such conversions are old and well known in the art, again making the modification of Johnson's invention from a visual apparatus to an audio apparatus obvious to one skilled in the art.

An example of announcing call logs/call log information to a user as opposed to visually displaying such information is taught by Tatchell et al. Tatchell et al. teaches a personal agent residing on the telephone network such as at telephone switching center 10, the personal agent accessible by a user from any telephone, anywhere, (as opposed to only locally/resident on a particular telephone) for managing calls. (Col. 65, line 61 – Col. 7, line 32 of Tatchell et al.) Tatchell et al. further teaches announcing, via text to speech technology, an incoming call list, after which a user may interrupt the

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announcement and dial one of the numbers or names presented by the announcement. (Col. 16, line 48 – Col. 17, line 58 of Tatchell et al.) Tatchell et al. teaches using a voice command but again, as is well known, voice command dialing is merely a well-known advance over dialed inputs. Moreover, voice commands are in reality just translated into dialed or DTMF tones, or at the least, functionally equivalent in terms of effecting the same result.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to have combined Johnson, Mirville et al., and Tatchell et al. inasmuch as Tatchell et al. as discussed merely teaches a concrete example of the preference to have audio announcement as opposed to visual display of information. Moreover, Tatchell et al. teaches a telephony network-based system as Mirville et al. and teaches creating and accessing speed dial list as Johnson.

Note as well that Tatchell et al. for example teaches that the personal agent may be accessed from any telephony device and that a subscriber is first identified using the calling line number which is in effect, ANI or via some user authentication request. Tatchell et al. gives an example of using a PIN to identify a subscriber when accessing his/her subscriber profile. (Col. 8, lines 24 – 56 and Col. 20, lines 58 – 65 of Tatchell et al.) Also, whether by PIN, ANI, or some other identifying code or calling party identification information, authentication for such purposes is notoriously old and well known in the art.

Therefore, as already discussed in the previous response to arguments, it again would be obvious for one of ordinary skill in the art to move the functionality of Johnson

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to a network-based system such as Tatchell et al. inasmuch as Tatchell et al. also teaches storing a type of call history, i.e., incoming call logs. (Col. 12, lines 58 – 65 of Tatchell et al.) Approached in another manner, whereas the claimed invention is drawn to a calling history of what could be analogous to the subscriber in Tatchell et al., an analogous call history in Tatchell et al. would be an outgoing call log. Again, because Tatchell et al. already teaches storing an incoming call log, storing an outgoing call log would merely be a design choice or preference and clearly within the capabilities of Tatchell et al. because it is merely storing the terminating call information as opposed to originating call information.

As to claims 20 – 28, see the rejection of claim 1.

3. Claims 5, 7, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over 5,930,350 (Johnson), US 5,745,553 (Mirville et al.), US 6,160,877 (Tatchell et al.), and further in view of US 6,076,121 (Levine).

As to claims 5, 12, and 18, Johnson, Mirville et al., and Tatchell et al. have been discussed above. What they do not teach is the use of a vertical service code.

However, any type of service code used to access a service or feature is a question of preference or design choice making the use of a vertical service code obvious to one skilled in the art. Furthermore, as taught by Levine, vertical service codes are old and well known in the art and it would again be obvious to access radial features of the claimed invention using such. (Col. 12, lines 1 – 46 of Levine)

As to claim 7, Johnson teaches a format for address book data containing each person information in a row exists in a table (Fig. 3). If this were translated into audio, it is obvious if not inherent that call lists would be presented in a row as likened to pages, perhaps 1 row for each person at a time to make it easier for a user to utilize redial feature or at least present numbers one at a time, requiring a user to somehow prompt a next number to be presented. Therefore, the next row for the next person taught by Johnson would be translated into the first and second audio messages and multiple dial inputs of the claimed invention. Also, as discussed above, as in the case of voice mail or many other services provided remotely to a user, a PIN would be necessary and thus it is obvious if not inherent to require the inputting of a PIN as claimed by the instant invention.

### ***Response to Arguments***

4. Applicant's arguments with respect to claim 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments have been addressed in the above rejection.

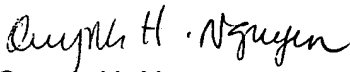
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Mon thru Thu 6:30am - 5:45pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 572-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Quynh H. Nguyen  
Examiner  
Art Unit 2614

Q.H.N.  
April 27, 2006